

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ANDRE' VANCE POWELL,)	
Plaintiff,)	
vs.)	2:09-cv-292-WTL-TAB
)	
LINDA S. LEONARD, et al.,)	
Defendants.)	

Entry and Notice

I.

The plaintiff's complaint violates the joinder of claims limitation of the *Federal Rules of Civil Procedure*. In *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007), the Court of Appeals ruled that a prisoner may not "dodge" the fee payment or three strikes provisions in the Prison Litigation Reform Act by filing unrelated claims against different defendants in one lawsuit. Rather, district courts must sever unrelated claims against different defendants or sets of defendants and require that the claims be brought in separate lawsuits.

In this case, **the claim that defendants Maximum Security Unit Officers Woods, Coocksie, and Hemberlin deprived the plaintiff of his religious diet must be severed** from the remaining claims. Absent the plaintiff's claim of a conspiracy, this First Amendment Claim is unrelated to the other claims alleged against different defendants. "Unrelated claims against different defendants belong in different suits." *Id.* at 607. Instead, Rule 18 allows joinder of multiple parties only when the allegations against them involve the same conduct or transaction and common questions of fact and law as to all defendants. Accordingly, the claims alleged against defendants Woods, Coocksie, and Hemberlin are **dismissed from this action**. If he so chooses, the plaintiff may file a his claims against these defendants in a new lawsuit.

II.

The claims not dismissed in Part I of this Entry as improperly joined are subject to the screening process required by 28 U.S.C. § 1915A(b).

IT IS SO ORDERED.

Date: 11/17/2009



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

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